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# LAWS OF ALABAMA

RELATING TO

## CHILD WELFARE

ENACTED AT THE 1923 SESSION  
OF THE LEGISLATURE

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CHILD WELFARE DEPARTMENT  
JUVENILE COURT  
COUNTY BOARDS OF CHILD WELFARE  
CHILD PLACING  
MATERNITY HOSPITALS  
THE ALABAMA HOME FOR MENTAL INFERIORS


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CHILD WELFARE DEPARTMENT

ALABAMA GENERAL LAWS

REGULAR SESSION, 1923.

No. 275.)

(H. 312. Mrs. Wilkins.

AN ACT

To amend the caption, and sections one, two, three, four, five, six, seven and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector in so far as his duties, powers, and authority relate to children under 16 years of age," approved September 25, 1919; and section (9) of said Act as amended by an Act approved September 27, 1920.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age," approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920, be and the same are hereby amended so as to read as follows: "To establish a Child Welfare Department for the State of Alabama, to prescribe its duties, functions, and powers, to provide for a commission to control said department and to outline the duties and functions of said commission, to provide for the appointment of an executive and other employees of the Child Welfare Department, to define their powers and duties, to provide for their compensation, to provide quarters, and to provide for the maintenance and other expenses of the department, to prohibit employment of paid probation officers not certificated, to require reports to the department from probate judges and judges of other courts exercising jurisdiction over dependent, neglected, and delinquent children and from executives of child-caring agencies and institutions, and to constitute the failure to make such reports a misdemeanor."

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Section 2. That section one (1) of said Act be and the same is hereby amended so that section one (1) as amended shall read as follows: That, in order that the State may more effectively exercise the duty and obligation which it owes to minor children, who, for any cause, are in need of its care and protection, there is hereby created and established for the State of Alabama a Child Welfare Department, which shall be located and have its offices in the State Capitol, and which shall have and exercise the several powers, functions, and duties inherent in the State for promoting the welfare of such children.

Section 3. That section two (2) of said Act be and the same is hereby amended so that section two (2) as amended shall read as follows: That the said department shall have the power and it shall be its duty: (1) To seek out, through investigation, complaints from citizens, or otherwise, the minor children in the State who are in need of its care and protection and shall, as far as may be possible, through existing agencies, public or private, or through such other resources, aid such children to a fair opportunity in life. (2) To make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for such state care and protection of such children and the extent of such need. (3) To study the facts and conditions so ascertained and from time to time report same to the Governor, the State Child Welfare Commission, and the Legislature, together with its conclusions and recommendations. (4) To present the facts so ascertained to the people of the State through conferences, conventions, and addresses and through these and other means to lead in the formulation and development of a state-wide program for the more effective care of such children and for the elimination and suppression of the causes which bring about the necessity for such care. (5) To advise with the judges and probation officers of the juvenile courts of the several counties of the State, and to aid in perfecting the organization and work of such courts. (6) To exercise the right of visitation and inspection, of all state, county, municipal, and other agencies and institutions, public or private (including maternity hospitals), receiving, placing, or caring for dependent, neglected, or delinquent minor children for the purpose of ascertaining from time to time the capacity and adequacy of the facilities offered by these agencies and institutions for the care of such children, the manner, character or way in which such children are cared for in such institutions or agencies; the children who are in such institutions, the facts showing their social status; the source of income and cost of maintenance; and the way in which such children are received into and dismissed from such institutions or agencies. Provided nothing in this bill shall be construed to confer on said

child welfare department any duties or authority or powers in reference to the Alabama Insane Hospitals or Alabama Home for Mental Inferiors, the State Training School for Girls and the Alabama Boys Industrial School. (7) To license annually all institutions and agencies (including maternity hospitals) except those under state ownership and control, caring for, receiving, or placing minor children and to revoke such license for cause. (8) To establish and maintain homes or other agencies for the care of dependent, neglected, or delinquent minor children or to contract with any approved agency or institution for the care of such children, and, also, to receive and care for dependent, neglected and delinquent minor children committed to its care, to make a careful physical examination (and, if possible, a mental examination) of every such child, to investigate in detail the personal and family history of the child and its environment, and to place such children in family homes or in approved suitable institutions operating in accordance with the provisions of this Act and to supervise such children however placed. (9) To require reports from courts and institutions, public and private, to the extent and in the form and manner hereinafter provided. (10) To enforce the state child labor law. (11) To solicit, receive, and hold gifts, devises and bequests of money, real estate, and other things of value to be used in the support, development, and carrying on of its work. (12) To prepare biennially and submit to the Governor of the State and the State Child Welfare Commission a full and complete report of all the activities of the department, together with a financial statement of all expenditures.

Section 4. That section three (3) of said act be and the same is hereby amended so that section three (3) as amended shall read as follows: That (1) The Child Welfare Department shall be under the control of a commission consisting of the Governor, the State Superintendent of Education, the State Health Officer, ex-officio, and six persons to be appointed by the Governor whose terms of office beginning from the date of their appointment shall be respectively, two for two years, two for four years, and two for six years, the said terms of office to be designated to each appointee by the Governor in making the appointment. All succeeding appointees shall be appointed by the Governor and shall hold office for a term of six years and until their successors are appointed and qualified. (2) The said commission shall, within sixty days after the approval of this Act, and at the call of the Governor, meet at the State Capitol and proceed to organize the said department. It shall hold at the State Capitol at least one regular meeting during each year, and as many special meetings as may be necessary. At such meetings five members shall constitute a quorum. The



Governor shall be the presiding officer, but in case of his absence, the commission shall have authority to elect a temporary presiding officer. If there be no director of the Child Welfare Department as hereinafter provided for the Commission may elect a secretary, pro tempore. (3) The director of the Child Welfare Department hereinafter provided for shall be the secretary of the Commission. (4) The members of the Commission shall receive no compensation for their services other than the amount of their traveling and other expenses, actually paid out while in attendance on the meetings of the Commission, or on the business of the department. (5) The Commission is empowered to adopt rules for its government, and for the government of the department; to elect a director of the Child Welfare Department and to provide for the selection or appointment of other employees as may be necessary and to fix their compensation; to have general control of the performance of every duty and the execution of the several powers herein conferred upon the department; to control and direct the expenditure of all appropriations which may be made for the maintenance and activities of the department; and to do and perform such other acts and things as may be necessary to carry out the true intent and purposes of this Act. In order to carry out the purposes of this section the commission, in anticipation of the needs of the minor children which may come under the care of the department, is hereby empowered to authorize the director to make requisition for a fund for the maintenance, transportation and other care of the wards of the department. Upon the approval of the Governor, the State Auditor shall draw his warrant upon the State Treasury for the amount of the requisition so approved.

Section 5. That section four (4) of said Act be and the same is hereby amended so that section four (4) as amended shall read as follows: That (1) The department shall be under the immediate management and control of a director to be elected by the Commission to hold office at its pleasure. (2) The director shall take oath of office as other public officials, shall be commissioned in like manner, and shall devote his entire time to the work of the department.

Section 6. That section five (5) of said Act be and the same is hereby amended so that section five (5) as amended shall read as follows: That it is hereby made the duty of the judges of the juvenile courts of the several counties of the State to make on or before the tenth day of each month a report to the Child Welfare Department upon the work of the juvenile courts presided over by them; and it is hereby made the duty of the judges of the probate courts to make at the same time reports on all adoptions and on all cases of non-support and desertion handled

by such courts during the preceding month. All reports required by this section shall be made upon forms furnished by the State Child Welfare Department and any such official who fails or refuses to make such reports as provided for in this section shall be guilty of a misdemeanor.

Section 7. That section six (6) of said Act be and the same is hereby amended so that section six (6) as amended shall read as follows: That it is hereby made the duty of all state, county, municipal, and other agencies and institutions, public or private (including maternity hospitals) receiving, placing, or caring for dependent, neglected or delinquent minor children. (1) To accord the department or its agents the right of entrance, privilege of inspection and access to its accounts and records of work for the purpose of ascertaining the kind and quality of work done and of obtaining a proper basis for its recommendations. The department and its agents shall advise agency and institution officers and workers in regard to approved methods of child care, best types of housing and institutional equipment, and adequate records of agency and institutional work. The principal purpose of such visitation shall not be to present official demands for adherences to the provisions of the law, but to offer friendly counsel on child welfare problems and to advise concerning progressive methods and the improvement of the service rendered. (2) To make such reports to the department in such manner and at such time as may be required by its rules, which reports shall furnish information as to the capacity and adequacy of the facilities possessed by said agencies and institutions to care for children; the manner, character or way in which such children are cared for by such agencies and institutions; the names, former addresses and such information as will show the social status of such children, the way in which and from whom such children are received; how and to whom dismissed; the extent and source of its income; the cost of maintenance; and such other facts as may be reasonably helpful to the state in promoting the welfare of such children in the state and in working out a general program for their care and protection. All reports required by this section shall be made upon forms furnished by the State Child Welfare Department and any superintendent, manager or person in charge of any agency or institution covered by this section who refuses or fails to make such reports or to furnish information herein provided for shall be guilty of a misdemeanor. It is hereby made the duty of circuit and county solicitors and their assistants to institute proceedings for the purpose of enforcing the provisions of this Act.

Section 8. That section seven (7) of said Act be and the same is hereby amended so that section seven (7) as amended



shall read as follows: That in order to render more effective the provisions of this Act and, better to develop its objects in conserving the interests of the minor children of the State and in protecting the public against imposition and fraud, (1) The State Child Welfare Commission is empowered to prescribe reasonable minimum standards for the conduct of such agencies and institutions, public or private, (including maternity hospitals) receiving or caring for dependent, neglected or delinquent minor children and the State Child Welfare Department is hereby empowered to license such of these as conform to the standards prescribed by the Commission. *All societies*, agencies and institutions, public or private (including maternity hospitals), except those under State ownership and control receiving or caring for dependent, neglected or delinquent minor children shall be required to *obtain* annually a license from the State Child Welfare Department, provided that no agency or institution shall be licensed until the department is reasonably and satisfactorily assured of the following points: (a) The present need for the proposed agency or institution (b) The good character and intentions of the applicants. (c) That the organizations shall be adequately financed to be effective. (d) That capable trained or experienced workers will be employed. (e) That the methods to be used and disposition to be made of the children served will be wise, altruistic, judicious, and in accord with the welfare of society. (f) That there is a probability of permanence in the proposed child welfare organization or institution. (2) Any superintendent, manager or agent of any agency or institution which does not hold a license issued by the State Child Welfare Department or whose license has been revoked, who solicits funds for the purposes of child care in such institutions shall be guilty of a misdemeanor provided that nothing contained in this sub-section shall apply to the solicitation of funds for a projected institution when such solicitation is confined to the membership of the organization which shall own or control the proposed institution. Any such agency or institution or any person or persons in charge of any such agency or institution which shall attempt to carry on any of the functions hereinabove set out without first having obtained a license shall be guilty of a misdemeanor. Power is conferred upon the department to cancel the license hereinabove provided for upon the failure of any such organization to comply with the standards herein prescribed or which may hereafter be prescribed by the State Child Welfare Commission.

Section 9. That section eight (8) of said Act be and the same is hereby amended so that section eight (8) as amended shall read as follows: That in order to unify and standardize probation work in the juvenile courts of this State, the State



Child Welfare Commission is hereby empowered to prescribe reasonable standards of education, training and experience which must be attained by any applicant for the position of probation officer in any of the several juvenile courts of the State. That said examination shall be furnished by the State Child Welfare Commission to the officer or officers employing probation officers in any county of the State and the said officer or officers shall require any and all applicants for said position to first stand said examination so prescribed before some officer designated by the employing agency of each county before any probation officer shall be employed.

Section 10. "That Section 9 as amended by an Act approved September 29, 1920, be and the same is hereby amended so that Section 9 as hereby amended shall read as follows: That for the maintenance of the department including the payment of salaries and all expenses the sum of Fifty Thousand (\$50,000) Dollars is hereby appropriated annually."

Approved Sept. 17, 1923.

JUVENILE COURT  
**ALABAMA GENERAL LAWS**

REGULAR SESSION, 1923.

No. 295.)

(S. 429. Brooks.

AN ACT

To amend an Act entitled "An Act to amend Sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465 of the Code of Alabama, 1907," approved September 16, 1915.

*Be it enacted by the Legislature of Alabama:*

Section 1. That An Act entitled "An Act to amend Sections, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama, 1907," approved September 16, 1915, be and the same are hereby amended so as to read as follows:

Section 2. DEFINITIONS. (1) That for the purposes of this Act the words "dependent child" shall mean any child, who, while under sixteen years of age, for any reason, is destitute, homeless, or is dependent on the public for support; or whose parent or parents, for good cause, desire to be relieved of its care and custody; or who is without a parent or guardian able to provide for his support, training and education; or whose custody is the subject of controversy. (2) That for the purposes of this Act the words "neglected child" shall mean any child, who, while under sixteen years of age is abandoned by both parents, or if one parent is dead, by the survivor, or by his guardian, or custodian; or who has no proper parental care or guardianship; or whose home, by reason of neglect, cruelty, or depravity, on the part of his parent or parents, guardian or other person in whose care he may be, is an unfit or improper place for such child; or who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or for whom his parent, parents, guardian or custodian, neglect or refuse, when able to do so, or when such service is offered without charge, to provide, or allow, medical, surgical, or other remedial care necessary for his health, or well-being; or whose parent, parents, guardian or custodian permits such child to engage in an occupation or calling contrary to the provisions of the child labor law of this State; or whose parent, parents, guardian or custodian



fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory attendance law of this State; or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with the provisions of any law, regulation or ordinance, for the education, care and protection of children; or who for any other cause is in need of the care and protection of the State. (3) That for the purposes of this Act the words "delinquent child" shall mean any child who while under sixteen years of age violates any penal law of the United States or of this State, or any regulation, ordinance or law of any city, town or municipality, or who commits any offense or act for which he could be prosecuted in a method partaking of the nature of a criminal action or proceeding; or who is beyond the control of his parent, parents, guardian, or custodian, or who is otherwise incorrigible, or who is guilty of immoral conduct; or who is leading or for any cause is in danger of leading an idle, dissolute, lewd or immoral life; or who engages in any calling, occupation or exhibition punishable by law or is found in any place for permitting which an adult may be punished by law; or who so deports himself as to endanger his health, morals, or general welfare; or any child who has been brought before any other court charged with a crime and which court has by proper order transferred said child to the juvenile court to be dealt with under the terms of this act. All such children, hereinabove described dependent, neglected or delinquent, shall be deemed wards of the State and entitled to its care and protection. The State shall exercise its right of guardianship and control over such children in the manner and form hereinafter provided. This Act shall be liberally construed in order to accomplish the beneficial purposes herein declared. (4) The word "Court" and the words "Juvenile Court" when used in this Act shall, unless otherwise qualified, mean the Probate Court of the County, sitting as the Juvenile Court, for the hearing of cases or the disposition of any matter arising under the provisions of this act. The word "Judge" or the words "Judge of the Juvenile Court" shall when used in this Act, unless otherwise qualified, mean the Judge of the Probate Court of the County, sitting as the Juvenile Court for the hearing of cases or the disposition of any matter, arising under the provisions of this act. (5) The words "him" and "his" when used in this Act with reference to children coming under the provisions of this act shall apply to boys and girls alike.

**Section 3. COURTS HAVING JURISDICTION OF CHILDREN, WARDS OF THE STATE.** The probate courts of the several counties of the State, except in those counties in which

special courts having exclusive jurisdiction over children under 16 years of age or over and for the purposes declared in this Act have been or shall hereafter be established by special acts of the Legislature, shall have original and exclusive jurisdiction of all proceedings coming within the provisions and terms of this Act and shall have original and exclusive jurisdiction to hear, determine and adjudicate all questions and cases coming within said provisions and terms and each such court shall in the exercise of the jurisdiction herein conferred by this Act, be known as the Juvenile Court of.....County. The

(Name of County)

Juvenile Court shall have power, under the terms of this Act, to determine the question of the dependency, neglect or delinquency of any child, and when such question is so determined and adjudicated, to declare such child to be, for the purposes of this Act, a ward of the State and to make and enter such judgment and orders for his custody, discipline, supervision, care, protection and guardianship, as, in the judgment of the court, will properly conserve and protect the welfare and best interests of such child. If it appears to the court from the evidence that any person, or persons, is, or are, in any way, contributing to the delinquency of any such child, or exerting an evil or harmful influence over any such child, the court may by an injunctive order directed against such person or persons protect such child against such influence in the way that shall seem most conducive to such end, and may prohibit all future relations between the parties; provided that nothing in this paragraph shall be so construed as to interfere with the prosecution of offenders as elsewhere provided for in this Act. Juvenile Courts shall have full power and authority to issue all other writs and processes necessary to the exercise of such jurisdiction and to the carrying out of the purposes of this Act. The judge of the court shall have power to issue writs of arrest and of habeas corpus to have brought before it children alleged to be dependent, neglected, or delinquent, as herein defined, to be dealt with by said court under the terms of this Act. The court, as to such dependent, neglected, and delinquent children, shall have and exercise the jurisdiction and power possessed by chancery courts in this state, but shall not have power to adjudicate any matter or make any order affecting any property rights of such children. Nothing contained herein shall deprive courts of general jurisdiction of the right to determine the custody of children upon writs of habeas corpus, or the right to determine the custody of children when custody is incidental to the determination of causes pending in such courts. Such courts of general jurisdiction may, however, decline to pass upon such questions of custody or to issue such writs and may certify said questions



or writs to the juvenile court for hearing and determination. The courts shall have the power to determine the form and character of its records and to devise and publish rules, not inconsistent with the provisions of this act nor the laws of this State, to regulate proceedings in all cases coming within the provisions of this act, and for the conduct of probation and other officers of the court. Such rules shall be enforced and construed liberally for the remedial purposes embraced herein. The court may adopt and cause to be printed for the use of the public and for the use of the court such forms as may be found necessary and convenient for use in cases arising under this act; provided, that such forms shall be approved by the State Child Welfare Department. All expenses necessary or appropriate to the carrying out of the purposes and intent of this act and all expenses of maintenance and care of wards of the court that may be incurred by order of the court in carrying out the provisions and intent of this Act, shall be valid charges and preferred claims against the county and shall be paid by the county treasurer when itemized and sworn to by the creditor or other persons knowing the facts in the case, and approved by the judge.

Section 4. ISSUANCE AND SERVICE OF SUMMONS ON CHILD AND PARENT. The style or title of the proceedings herein provided for shall be State of Alabama, in the matter of..... (Inserting name of child), a child under sixteen years of age, in the Juvenile Court of..... County (Inserting name of county). Any person having knowledge or information that a child, residing in or who is actually within a county of this State, is within the provisions of this Act, or subject to the jurisdiction of the juvenile court, may, and any probation officer of such court having such knowledge or information shall, file with the court of said county a verified petition, setting forth the name, residence and age of the child, the name and residence of the parent or parents, if known to the petitioner, and the name and residence of the person or persons having guardianship, custody, control or supervision of such child, if such facts be known, or can be ascertained by the petitioner, or that such facts are unknown or cannot be ascertained, if that be the fact. The petition shall state the facts which bring the child within the provisions and terms of this Act, and it shall be sufficient for that purpose to aver that the child named therein is dependent, neglected, or delinquent, as the case may be, and in need of the care and protection of this State (here stating succinctly the facts which bring said child within the terms and provisions as herein defined). The petition shall be sworn to by the petitioner, but affidavit may be made upon information and belief of the affiant. Upon the fil-

ing of the petition with the juvenile court, or upon receipt of an order of transfer from any other court, as hereinafter provided, the judge or clerk or chief probation officer of the court shall forthwith, or after causing an examination to be made by an officer or other person, cause a summons to be issued, signed by the judge or clerk of said court, requiring the child to appear before the court, and requiring the parents, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found, to appear with the child, at such time and place as may be stated in the summons, to show cause why the child should not be dealt with according to the provisions of this Act. Provided, however, that, if after investigation is made, the chief probation officer is of the opinion that such cause is not a meritorious one, he may decline to ask the judge or clerk for a summons, and the court may upon his motion dismiss such petition, or order a summons issued as to the court may seem just. Said summons shall set forth the charges contained in said petition, or order of transfer. If it appears from the petition that the child is violating any penal law of the United States or of this State, or any law or ordinance of any municipality for which said child could be prosecuted, or that the child is in such condition that its welfare requires that custody be immediately assumed, the judge of the court may indorse upon the summons a direction that the officer serving said summons shall at once take said child into his custody. When any child is taken into custody under such summons, or is in the custody of the court under any order of transfer from any other court, such child may, if in the judgment of the judge of said court it is not inconsistent with the child's welfare, be admitted to bail, or be released on his own recognizance, or be released into the custody of a probation officer, or of the parent or parents or of any other person or approved agency designated by the judge of said court. If in the discretion of the judge of said court, it is deemed inexpedient to admit such child to bail or to release it in the manner above set out, and if in the judgment of the court it is absolutely necessary, such child may be detained in such manner as the judge may order pending the hearing of the case. Service of such summons upon the child mentioned therein shall be made by delivery to and leaving with the father or mother of such child, or with the parent with which such child is living, or with the person in whose custody the child may be, a true copy thereof and when the summons so directs, by taking said child into custody by the officers serving same. When the summons is directed to the child and to such child's father or mother, or both, service of one copy on either parent if they be living together shall be sufficient service on all of them; or on the child and the parent



with which such child is living. When such child has no parent or custodian upon whom such summons can be served, the court shall appoint a guardian ad litem for said child upon whom such summons must be served, unless such service be waived in writing by said guardian ad litem. Service of such summons on the person, or persons, mentioned therein, other than the child, if residents of this State, and their place of residence is known, shall be made by delivery to and leaving with such other person, or persons, a true copy thereof. In the event that such other person or persons are non-residents of the state, and their place of residence is known, it shall be sufficient service to deposit in a United States Post Office in such county a true copy of such summons, in a post paid, sealed envelope addressed to such person or persons, at such address or addresses; but such service shall not be held to have been perfected, nor shall such case be called for trial until a reasonable time has elapsed from the time of the posting of such summons, unless with the consent of such other person or persons, which consent may be shown by letter, telegraph, telephone, or in any other way satisfactory to the court. In the event that the names of the parent or parents, guardian, or those legally entitled to the custody of such child cannot be ascertained; or if their names being known their place or places of residence cannot be ascertained; or if for any other cause they cannot be found, or if for any other reason it shall appear that service of such summons cannot be had on such persons, as provided above—this being a proceeding on the part of the State to protect and care for such children—no service of a summons shall be necessary in such cases to give the court jurisdiction thereof. In the event that no service of summons is had for the reason set out above, it shall be the duty of the Judge of such court, hearing such cases to satisfy himself that diligent effort has been made to ascertain the names and places of residence of the parent, parents, guardian or person or persons legally entitled to the custody of such children, before hearing such cases; and such judge may in any event order service by publication, as in other chancery cases if in his opinion the cause of justice require, in which case, if there be no other means of meeting such expense, same shall be paid by the county in which such proceedings are had. If the child mentioned in the summons be present in court at the time of the hearing, no summons to said child shall be necessary to give the court jurisdiction of such child. When the person named in the summons other than the child is present in court at the hearing, or for any of the reasons set out above has not been served with a copy of the summons, or when said child is in court, by reason of the violation of any law, Federal, State or municipal, service of the summons upon such other person named in the summons shall not be nec-

essary to give the court jurisdiction; but if such other person be not present in court, and if for any of the reasons set out above has not been served with the summons, the court must appoint a probation officer, or some other discreet person, to act as guardian ad litem, to represent the interests of such child, and such guardian ad litem shall be present at the hearing of said case to represent said child. The summons herein provided for shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt of court. The sheriff of the county shall serve all papers directed by the juvenile court or judge thereof to be served by him, and a suitable allowance shall be made to him by the court of county commissioners, or board of revenue of such county for his actual and necessary disbursements in effecting such service. However, all papers, summons, and processes issued from the juvenile court in such proceedings may be served by the police of any municipality or by any person selected by said court or by the judge thereof for that purpose. When engaged in serving such papers, summons, and processes, such persons so selected by the court or by the judge thereof shall have the authority of a sheriff. Should any person, who by reason of not having had any legal notice of such proceeding, have a legal right to be heard in such cause, such person shall, or must, assert such right by filing a petition in such cause setting out such right, and asking to be heard thereon, within ninety days from the rendition of the decree adjudging such child a dependent, neglected, or delinquent child, and a ward of the court, and such right, if any there be, shall or must be so asserted and within such time, or same shall be forever barred.

Section 5. JUVENILE COURTS, PRACTICE AND RULES OF. (1) PRIVACY. The juvenile court shall keep for the trial of cases involving children under the age of 16 years a docket which shall be separate and distinct from any other docket kept in said court; and the orders and decrees of the court relating to such cases shall be entered in a separate minute book. The court shall have the power, in the hearing of any case involving any child under the age of 16 years, to exclude the general public from the room where said hearing is held, but shall admit thereto such persons as, in the judgment of the court, have a direct interest in the case. The records of all such cases shall be withheld from indiscriminate public inspection but such records shall, in the discretion and under orders of the judge, be at all reasonable times open to inspection by the child, its parents, or guardian, its attorney, or attorney for its parent or guardian, and the Child Welfare Department or its accredited agents. The trial of all cases where children are in-



volved shall be held at a different time from the hearing of other cases in the probate court. It shall be the duty of the judge of the court so to conduct the hearing as to disarm the fears of the child and to win its respect and confidence. (2) PROCEDURE. The hearing and proceedings herein provided for may be conducted in the judge's chamber or in any other room that may be provided for such cases, or in such other place within the county as may be convenient for the court and all parties concerned. Upon the return of the summons or at the time set for the hearing, the judge of the court or the referee or referees hereinafter provided shall proceed to hear and determine the case. At such hearing the nature of the proceeding shall be carefully explained to the child and to his parent, custodian or guardian. The judge of the court or the referee or referees may conduct the examination of witnesses and may take testimony for the purpose of inquiring into the habits, surroundings, conditions, tendencies and guardianship of the child in order to enable the court to determine whether such child is dependent, neglected or delinquent, and, if dependent, neglected or delinquent what order or judgment will best conserve the welfare of the child and carry out the objects of this act. If said child is found by the court to be dependent, neglected, or delinquent, the court shall so adjudicate, and, thereafter, said child shall, during his minority be considered a ward of the State and subject to the guardianship of the juvenile court as herein provided unless sooner discharged by order and decree of the juvenile, or other, court of competent jurisdiction. Any order or judgment of the court in the case of any such child within its custody and guardianship shall be subject to modification from time to time as the court may consider best for the welfare of such child. (3) REFEREES. The judge of the court shall have authority to appoint and he may appoint a probation officer or other suitable person to act as referee, in the first instance, to hear any case coming under the jurisdiction of the court and to make report thereof together with said referee's conclusion and recommendations. If no exception be taken to said report, and no review be asked thereof, such report and recommendations, if and when confirmed by the court, shall become the judgment of the court. A review of the conclusions and recommendations of such referee may be had by any child, his parent, guardian, or custodian by filing a petition for a review thereof with the court at any time within five days after the entry upon the records of the court of the finding of the referee. No case of a female child shall be heard in the court unless there be present a woman of good character. (4) MENTAL AND PHYSICAL EXAMINATION AND TREATMENT OF WARDS. The juvenile court, in its discretion may, either before or after hearing, cause any child

within its jurisdiction to be given a physical or mental examination or both by a competent physician or physicians or an approved mental examiner to be designated by the court having jurisdiction of the child and the physician or physicians or mental examiner shall certify to the court the conditions in which the child is found. If, with or without such examination, the court has reason to believe that the child is within the class defined by Act 704, approved September 29, 1919, General Acts, 1919, as mentally inferior, defective, or feeble-minded, it may proceed in the manner set out in said Act approved September 29, 1919, General Acts 1919, to commit said child to the Alabama Home or other approved institution for children of his class, or to make such other disposition of such child as the court in its wisdom may order. Or if, upon examination, it appears that the child is in need of medical treatment or care, the court may cause the child to be treated by a competent physician or physicians or placed in a public hospital or other institution for training or care or in an approved private hospital or institution which will receive it for like purposes. The expense of such treatment shall be a valid charge against the county unless otherwise provided for.

Section 6. SOLICITORS TO ASSIST SUCH COURTS. The juvenile court may, in its discretion, call upon the solicitor of the circuit court of the county or of the judicial district in which the case is pending or upon the county solicitor, to assist the court in any proceedings under this act. It shall be the duty of such solicitor to render such assistance when so requested, and said solicitor shall represent the State in all cases arising under this act appealed from the juvenile to the circuit court. In every case the court may, in its discretion, appoint an attorney to represent the child.

Section 7. PROBATION OFFICERS, DUTIES AND COMPENSATION OF. The Juvenile Court may appoint probation officers, who may be either men or women, of good moral character, intelligent and sympathetic with the aims and purposes of this act, from the candidates who have been certified by the State Child Welfare Department. "Provided, that nothing in this bill shall be construed as empowering the State Child Welfare Department to pass upon or hold examinations for probation officers in the several counties of this State. Said examinations shall be prepared by the State Child Welfare Department, and upon application of any officer of any county in this State, the same shall be furnished said officer or officers, who shall thereafter hold said examinations and pass upon the qualifications and fitness of any and all applicants, before any probation officer shall be employed. The number of probation officers necessary for any juvenile court shall be determined by the



judge and the advisory board of such court. The Court of County Commissioners or board of revenue of the county shall pay such probation officers so appointed a reasonable salary to be determined by the judge, the advisory board, and the court of county commissioners or board of revenue of the county, acting jointly, but no paid probation officer shall be employed after the approval of this act unless such probation officer shall have been certificated by the State Child Welfare Department. Volunteer probation officers may be appointed in the same manner as paid probation officers. Such volunteer probation officers, when so appointed, shall have and exercise such powers and authority of paid probation officers as may be authorized by the court. Provided that volunteer probation officers shall work subject to the direction of a paid probation officer (or the chief probation officer if there be such) if one be employed. No salary shall be paid out of public funds to any volunteer probation officer. Probation officers shall be reimbursed for actual expenses incurred in making investigations and in transporting and caring for children who are wards of the Court when such accounts are approved by the judge of said court. Probation officers shall make investigations, as the court may direct, either before or after hearing and such child between the ages of 16 and 18 as may be transferred from a court of criminal jurisdiction as hereinafter provided for; shall be present in the court in order to represent the interests of the child and to aid the court, when the case is heard; shall have under orders of the court the oversight and care of such children as may be committed by said court to their charge or supervision; and shall perform such other duties as the court may direct. Probation officers may file petitions in the court in cases of any children alleged or believed to be dependent, neglected, or delinquent, or in need of the State's care and protection, and may bring charges against any person who aids or encourages any child to violate any law or ordinance, or any order of the court, or who contributes to the neglect, dependency, or delinquency of any child, or causes any child to become dependent, neglected, or delinquent. Probation officers shall serve during the pleasure of the court and shall be removable by said court at any time. Paid probation officers shall have the power of sheriffs, and police officers, school attendance officers and child labor inspectors, anywhere within the State, for the purposes of this Act, may serve any process authorized to be served by this Act, and may make arrests in the execution of processes issued from the court. Such probation officers shall take and subscribe to the oath of office now required of other public officers before entering upon the discharge of their duties. It is hereby made the duty of every county or municipal

officer to render to the court, its judges, and officers, such assistance and co-operation as shall be within his jurisdiction or power to further the objects of this Act. All institutions, associations, or other custodial agencies, receiving or having in charge any child coming within the terms and provisions of this Act, or to which any child may be committed under the provisions of this Act, are hereby required to give to the court and to its officers any information, which, for the purposes of this Act, may be required or requested by said court or the officers thereof.

Section 9. COMMITMENT OF CHILDREN; WARDS OF THE STATE. If, after hearing the case of any child, the court shall find the child dependent, neglected, or delinquent and shall so adjudge, the judge may commit the child to the home of its parents, guardian, or persons having control of the home in which said child resides, provided that the character or condition of said home, parents, guardian or persons in said home is not such as to be injurious to the best interests of the child, and may permit such child to remain in its home subject to the visitation and supervision of a probation officer and to such other conditions as the court may deem for the best interests of such child, and to be returned to the court by such guardian, parent, or probation officer when such return may appear to the judge necessary and an order therefor is made by him. Or, the child may be placed by the court in any suitable family home, subject to the visitation and supervision of a probation officer and to further orders of the court. Or, the court may authorize the boarding out of the child in some suitable family home in such manner as is now, or may hereafter be provided by law, or may arrange by voluntary contribution or otherwise for the board and care of the child until suitable provision can be made for the placing of such child elsewhere. Or, the child may be committed by the court to any orphanage, institution, association, or agency approved by the State Child Welfare Department for the care of such children in the State of Alabama and which is willing to receive such child. The court may commit any delinquent child coming within its custody and control to any appropriate State institution which is now or which may hereafter be established to receive and care for delinquent children, or, make such other order or judgment as the court, in its discretion, shall deem to be for the best interests of the child; no child shall be committed to any orphanage, institution, association, or agency except State institutions or agencies, unless such orphanage, institution, association or agency is approved by the State Child Welfare Department for the care of children of his class. During the probation period and during the time when such child shall be in the custody of any institution other than a



State Institution, or of any society, association, or person, the child shall be subject to the visitation of probation officers or other duly appointed agents of the court. No commitment of any child to any institution or other custodial agency, other than State Institutions or the State Child Welfare Department shall deprive the court of the jurisdiction or authority to change the form of commitment or to transfer the custody of the child to some other institution or agency. The court may release the child from its custody or control, subject to be recalled and held in its control and custody on failure to comply with the terms and conditions of its order, or finally discharge the child. State institutions for delinquents shall not release any child committed to them under the provisions of this Act without first giving ten days' notice in writing to the court making the commitment. In committing any child to any custodial agency or in placing any child under any guardianship other than that of its natural guardian, the court shall, as far as practicable, select as custodial agency or an individual of the same general religious belief as that of the parents of such child, or if there be no parents, as that of the child itself, or an institution or association governed by persons of the same general religious faith as that of the parents or of such child, unless said institution be a State, county, or municipal institution. Female children, when being transported by order of the court to State institutions for delinquents, shall be accompanied by a woman of good character. When any child is committed by the court to any home, institution, or person, and the parents of such child shall have the means, such parents may be required by the court to pay for the support and care of the child such sums and at such times as the court may order, or, if the child shall have an estate in the hands of a guardian or trustee, such guardian or trustee may be required by the court to pay for the support and care of the child in the same manner. In case of such order to pay, the court shall designate the person, officer, institution or agent to whom such payment shall be made. If said person, guardian, or trustee so adjudged and ordered to pay such sums for the support and care of the child, wilfully, and without just excuse, fails or refuses to make payments in accordance with the order of the court, such person, guardian, or trustee so failing or refusing to pay may be adjudged in contempt of court. From any such order to pay for the support and care of such child, an appeal may be taken by the person, guardian or trustee so ordered, as hereinafter provided for, and upon the taking of such an appeal, said order shall be suspended until the determination of said appeal. The expenses of transporting a child to an institution, home, or other custodial agency, shall, unless otherwise provided for, be borne by the county of the residence

of the child and shall be paid by the court of county commissioners or board of revenue upon presentation of a bill for such expenses approved by the judge of said court. The policy of the court shall be, as far as possible, to exercise its supervisory care by the retention of children in their own homes under the supervision of a probation officer. No child shall be committed to any home of a race other than its own. Every child committed to any home shall be treated in such home as a member of the family, and the home receiving such child shall be under agreement to rear and educate such child as a member of the family. When jurisdiction and custody of any child has been assumed by the court, pending disposition of the child by commitment or otherwise, the court of County Commissioners, or Board of Revenue of the county of the residence of said child shall, unless support shall be otherwise provided, provide for the reasonable and proper support of the child while in the custody of the court. No child coming within the provisions of this act shall hereafter be committed to any institution at the public charge unless his status shall have been first determined by such court in accordance with this act.

Section 10. APPEALS. Any party aggrieved may take an appeal from any judgment or order of the court arising under provisions of this act to the circuit court of the county sitting as a court of equity. Such appeal shall be taken within ten days after the entering of the judgment or order. An appeal bond may, in the discretion of the court, be required. Such bond shall be payable to the State of Alabama and conditioned upon the child's appearance to answer such judgment as may be rendered on appeal, as well as to secure such costs as may accrue. If such appeal be taken by a guardian ad litem appointed for the child by the court, the court may, in its discretion, make an order allowing to such guardian ad litem the actual expenses incurred on appeal, and the amount so allowed shall be a valid charge against the county when approved by the judge. An appeal, with or without bond, shall not suspend the judgment appealed from, nor shall it discharge the child from the custody of the court or from the custody of the officer or person to whose care such child shall have been committed, unless the court shall so order. All appeals under this Act shall take precedence over all other business of the court to which the appeal is taken. Upon appeal, the circuit court shall try the case de novo and shall proceed, under and in pursuance of the intent and terms of this act, to render such judgment as to it shall seem just and for the best interests of the child. Upon the rendition of such judgment, the circuit court shall cause to be filed with the juvenile court a copy of its judgment which shall thereupon become the judgment of the juvenile court. If the circuit court does



not dismiss the proceedings and discharge the child, it shall remand the child to the jurisdiction of the juvenile court for supervision and care under the terms of the judgment of the circuit court, and thereafter, the child shall be and remain under the jurisdiction of the juvenile court in the same manner as if said juvenile court had rendered said judgment in the first instance.

**Section 11. TRANSFERRING JURISDICTION. (1)** Transfers to the Juvenile Court. Nothing in this Act shall be construed as forbidding the arrest, with or without warrant, of any child as is now or may hereafter be provided by law, or as forbidding the issuance of warrants by magistrates as provided by law. Whenever a child under sixteen years of age is brought before a magistrate of any court in the county other than the juvenile court, charged with any offense, such magistrate or court shall forthwith, by proper order, transfer the case to the juvenile court of the county. Provided, however, that any criminal court or any court exercising criminal jurisdiction in any county coming under the provisions of this act before which any child between the ages of 16 and 18 years is brought, charged with the commission of a crime, shall have authority, if such court shall deem it to be in the interest of justice and of the public welfare, to in like manner transfer such child by proper order to the jurisdiction of the juvenile court of said county to be dealt with as a delinquent child under the terms of this Act and when so transferred such child shall come under all terms and conditions of this act and be so dealt with as other children are dealt with under this Act. All information, depositions, warrants, and other processes in the hands of such magistrate or court shall be by him or by the judge of said court forthwith transmitted to the juvenile court and shall become a part of the records of the juvenile court. The juvenile court shall thereupon have jurisdiction of the cause and shall proceed to hear and determine the case, so transferred to it, in the same manner as if the proceedings had been instituted in the juvenile court by petition as hereinbefore provided. **(2) TRANSFER FROM THE JUVENILE COURT.** If, at any time, after thorough investigation or trial of its disciplinary measures, the juvenile court or judge thereof shall be convinced that a delinquent child, more than fourteen years of age, brought before it under the terms of this act, cannot be made to lead a correct life and cannot be properly disciplined under the provisions of this act, the juvenile court or judge thereof shall have authority to transfer the care of such delinquent to the jurisdiction of any other court in the county having jurisdiction of the offense with which said child is charged, there to be proceeded against according to law. When such order of transfer is made, the child

so transferred may be committed to the county jail pending the proceedings in the court to which said case is transferred, or may be released on bail by the judge of the juvenile court to answer such proceedings in the court to which said case has been transferred. The judge or clerk of the juvenile court shall at once, upon making such order of transfer, file with the clerk of the court to which the transfer is made copy of the order of transfer and any warrant or other paper which has been filed in the juvenile court charging the child with the commission of any offense. In the trial in the court to which transfer is made, neither the fact that the case has been transferred from the juvenile court nor any of the proceedings had in the juvenile court shall be given in evidence against the child. All bonds and undertakings taken and approved by the judge of the juvenile court for any purpose shall be valid and enforceable even if the principal in said bond shall be a minor. In the event of the failure of the principal or sureties faithfully to carry out and discharge the undertakings of said bond, the judge of the juvenile court shall transmit said bond, together with his certificate of the failure of the said principal and sureties therein to carry out and discharge their undertakings in said bond, to the clerk of the circuit court of the county. Thereupon, it shall be the duty of the clerk of the circuit court at once to bring said matter to the attention of the judge of said court who shall proceed to enter a forfeiture of said bond, so transmitted, in the manner and form now provided for the forfeiture of bonds in the circuit court. Thereafter, writs of scire facias and execution shall issue thereon as now provided by law upon the forfeiture of bonds in criminal cases in the circuit court. (3) TRANSFERS BETWEEN COURTS OF JUVENILE JURISDICTION. When it shall appear to the Judge of the juvenile court that it will be for the best interests of a child in its custody the case of such child be transferred to the juvenile court or other court of similar jurisdiction of another county, said case may be transferred, upon petition to the judge of the court into whose jurisdiction the child is thus to be transferred and his acceptance of the jurisdiction of such child. The notice of such transfer shall be accompanied by duly certified copies of all papers and proceedings in the case. Upon the acceptance of the transfer and the papers, the court to which said transfer is made shall immediately assume jurisdiction and control of the child in like manner as if the case had originated within its jurisdiction.

Section 12. CAUSING DEPENDENCY, NEGLECT OR DELINQUENCY OF CHILDREN. It shall be unlawful for any parent, guardian, or other person to aid, encourage, or cause any child under sixteen years of age to become or remain dependent, neglected or delinquent, or by words, acts, threats, commands or persuasions, induce or endeavor to induce, aid or



encourage any child under sixteen years of age to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause such child to become or remain dependent, neglected, or delinquent, or by the neglect of any lawful duty or in other manner contribute to the dependency, neglect or delinquency of a child under sixteen years of age. The employment of any child under sixteen years of age in violation of any of the provisions of the child labor law, or suffering, permitting, conniving at, aiding or abetting such employment shall be held to be encouraging, causing and contributing to the dependency, neglect or delinquency of such child. Failure on the part of any parent, guardian, or other person having custody of the child to cause such child to attend school as required by the compulsory attendance law shall be held to be encouraging, causing and contributing to the dependency, neglect or delinquency of such child. Whoever violates any provision of this section shall be guilty of a misdemeanor and punished as herein set out in this section. Whenever, in the course of any proceedings under this act, or when, by affidavit as hereinafter provided, it shall appear to the juvenile court that a parent, guardian, or other person having custody, control, or supervision of a child under sixteen years of age, or any other person not standing in any such relation to such child, has aided, encouraged, or caused such child to become dependent, neglected, or delinquent as defined herein, or has by word, act or omission contributed thereto, or has, by threats, commands, or persuasion, induced or endeavored to induce, aided or encouraged, such child to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause such child to become or remain dependent, neglected or delinquent, the court shall, for the protection of such child from such influences, have jurisdiction in such matters, as provided herein. The court shall cause such parent, guardian, or other person to be brought before it upon either a summons or a warrant, affidavit of probable cause having first been made, for such order or judgment in the premises as the court may see fit to make or render in accordance with the provisions of this section. Such accused person shall have the right to bail in such reasonable sum as may be fixed by the court. the bond to be approved by the judge of said court or by the sheriff. In default of bail the person so accused may be committed to the county jail, pending the trial and disposition of the cause. The court shall have full power and authority to hear and determine such charge so brought against such parent, guardian, or other person, and to determine his guilt or innocence. In the event such parent, guardian, or other person shall be adjudged guilty by the court, the court shall have the power to impose a fine of not more than one hundred dollars, or

a sentence of hard labor for the county for not more than twelve months, or of imprisonment in the county jail for not more than twelve months, or both such fine and sentence. In the trial of such cases, the juvenile court shall determine both the law and the facts without the intervention of a jury and shall award such judgment under the terms of this section as shall seem just. The judge of such court shall have authority, in his discretion, to suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, or both such fine and sentence, and to place such accused person on probation, for a period of time not to exceed twelve months, and upon such terms and conditions as to the judge may seem proper. The judge of such court may, further, in his discretion, and as part of the judgment, require such person to enter into a bond, with or without surety, in such terms as the court may direct, to comply with the orders of the court. The judge shall have authority, in his discretion, and upon such information as he may deem sufficient, to revoke such suspension of fine, of imprisonment, or both, upon the violation by the probationer of the conditions and terms upon which such suspension was made. Such revocation by the judge shall immediately put into effect the original fine, or original term of imprisonment, or hard labor, or both such fine and term; and the judge may thereupon issue warrant of arrest and order of commitment to enforce the judgment as if there had been no suspension. The defendant, if convicted, shall have the right to appeal to the next ensuing term of the circuit court of the county, where he may have trial by jury. Pending such appeal, upon his entering into bond with sufficient sureties in such sum as the court may require, conditioned that he will appear at said circuit court until discharged by due course of law, he shall be released from custody. If he fails to make the required bond, he may be confined to the county jail until the time of his trial. Upon the taking of such appeal, the judge or clerk of the juvenile court shall at once certify to the clerk of the circuit court of the county all papers in the cause together with a transcript of all proceedings in the matter had in the juvenile court. The clerk of the circuit court shall set all such cases appealed from the juvenile court as preferred cases in said circuit court. Upon such appeal the circuit court shall try the case de novo. If the defendant be found guilty by the circuit court, such court shall have all the discretionary powers herein given to the juvenile court in rendering judgment against said defendant. If, upon the rendition of its judgment, the circuit court shall suspend payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, and shall place such convicted person upon probation under the terms of this section, the circuit court shall cause



to be filed with the juvenile court a copy of its judgment which shall thereupon become also the judgment of the juvenile court, in said case. Upon the rendition by said circuit court of an order suspending such sentence, the circuit court shall remand such convicted person to the jurisdiction of the juvenile court for its supervision and care under the terms of order or judgment of the circuit court, and thereafter the convicted person shall be and remain under the jurisdiction of the court in the same manner as if such juvenile court has rendered the judgment of the circuit court in the first instance. An affidavit in the following form shall be sufficient to charge the offense described in this section, to-wit: State of Alabama, County, (Name of County.) In the Juvenile Court of present term. County, (name of county). Personally appeared before me, \_\_\_\_\_, judge or clerk of the juvenile court of \_\_\_\_\_ (name of county). County, (name of affiant) \_\_\_\_\_, who being by me first duly sworn deposes and says, that (name of person charged with offense) \_\_\_\_\_, has, within twelve months before the making of this affidavit, in said county, aided, encouraged, or caused (name of child) \_\_\_\_\_, a child under sixteen years of age, to become dependent, neglected, or delinquent, (as the case may be), or has, by word, act or omission, contributed thereto; or has, by word, conduct, act, omission, threats, commands or persuasion, induced or endeavored to induce, aided or encouraged such child in such county to do or perform an act, or to follow a course of conduct which would cause or manifestly tend to cause such child to become or remain dependent, neglected or delinquent (as the case may be), in that the said (name of accused) \_\_\_\_\_, did, within said twelve months, within said county, (here set out succinctly the facts, acts, words, conduct, omissions, etc., which affiant avers were done or omitted by accused constituting said offense), against the peace and dignity of the State of Alabama. Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. \_\_\_\_\_ Affiant. \_\_\_\_\_, Judge or Clerk of Juvenile Court, \_\_\_\_\_ County, Alabama. If merely injunctive relief is sought against one or more defendants or persons, as hereinabove provided, petition may be made therefor by a bill of complaint addressed to the juvenile court, or to the judge thereof, and such proceeding governed by the rules of chancery pleading and practice; except that ten days shall be the limit of time allowed for appearance and answer to summons in such proceedings.

Section 13. DISOBEYING ORDERS OF COURT, PUNISHMENT FOR. Any person who knowingly and wilfully disregards or fails to obey any lawful order made by the judge of

the juvenile court under the provisions of this Act or in the conduct of such court, or who knowingly and wilfully interferes with the custody of any child under the jurisdiction of said court shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars or sentenced to hard labor for the county not to exceed twelve months, or both.

Section 14. **OBSTRUCTING OFFICERS IN PERFORMANCE OF DUTIES.** It shall be unlawful for any person in such counties to remove, conceal, or cause to be removed or concealed, or attempt so to do, any dependent, neglected, or delinquent child, as defined in this act, or one alleged in a petition or order of transfer filed in said court, to be so, or any child whose custody is the subject of controversy in said courts, in order that such child may not be brought before the court; or for any person to interfere with the custody of, or remove, or attempt to remove any dependent, neglected or delinquent child, or one alleged so to be, or any child whose custody is the subject of controversy in said court who is in the custody of the court, or of a probation officer or any other officer, or person designated by the court as a special officer, or any such child who has been by said court committed to any person, persons, institution, association, or corporation, under the terms of this Act, or by virtue of its general chancery jurisdiction. And it shall be unlawful for any person to interfere knowingly with or oppose or otherwise obstruct any probation officer in the performance of his duties under this Act, or to knowingly make false statement to any such probation officer about any matter or person as to which or whom such officer is making inquiries in the discharge of the duties of such officer. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars or sentenced to hard labor for the county not to exceed twelve months, or both.

Section 15. **ADVISORY BOARD.** The Judge of the Juvenile Court may appoint not less than five nor more than ten citizens of the county, known for their interest in the welfare of children, who shall serve without compensation, to constitute and be The Advisory Board of the Juvenile Court of..... (inserting name of county) County, Alabama, in matters relating to the welfare of children. Such advisory board shall organize by electing such officers, and by adopting such by-laws, rules and regulations for its government as it shall deem best for the purposes of this Act. Such board shall hold office during the pleasure of the court or of the judge thereof. Women shall be eligible for appointment on said Board. The duties of the advisory board shall be as follows: To advise and co-operate with the judge of the juvenile court and the Court of County Commissioners or Board of Revenue in the appointment of pro-



bation officers and in fixing the salaries to be paid such officers; to assist the courts in securing the services of volunteer probation officers when the services of such officers shall be deemed necessary or desirable; to visit institutions caring for children in the county, and whenever practicable, other institutions to which the court, from time to time, may make commitments; to advise and co-operate with the courts upon all matters relating to the welfare of children; to recommend to the court any and all needful measures for the purpose of carrying out the provisions and intent of this Act; and to make themselves familiar with the work of the courts under this Act; and to make, from time to time, a report to the public of the work of such court. Provided, that in any county wherein a county board of child welfare, as may be provided by law, may hereafter be established, such county board of child welfare, when so established, shall constitute and be the Advisory Board of the Juvenile Court of....., (inserting name of county) County, in matters relating to children.

Section 16. **CONFESSIONS AND ADMISSIONS OF CHILDREN.** The voluntary admissions or confessions of any dependent, neglected or delinquent child, as described herein, or of the parent or parents of such child, made to the probation officer, or any other person, in reference to any cause or matter in such court, if otherwise competent, shall be received in such court as legal evidence; and the written or verbal report of facts or conditions, in reference to any child, or in reference to such child's manner of life, or condition, or environment which show, or tend to show, the social condition or status of such child, made by a probation officer of said court, after an investigation in pursuance of any rule or order of court, shall be received in evidence in such court, in such case as prima facie evidence of such facts or conditions, and may be used by any party in interest, in such case; provided, however, that no disposition of the case of a child dealt with for delinquency under this act nor any admission or confession of such child or of such parent, or parents, to the probation officer, or court; nor any report of a probation officer, made or given in pursuance of any rule or order of such courts; nor any statement by any parent, or parents, of such child, in such proceeding, shall be given or heard in any civil, criminal, or other cause or proceeding whatever, or in any other court, be lawful or proper evidence against such child or parent, or parents, for any purpose; provided further that such matters may be received and heard in subsequent proceedings in such cause in said juvenile court.

Section 17. **JUVENILES NOT CRIMINALS.** No adjudication, nor judgment under the provisions of this act shall operate to disqualify any child for any office in any state, county, or municipality, or from employment in any civil service under

any branch of the government. No child shall be denominated nor held to be a criminal by reason of any such adjudication, nor shall such adjudication be held to be or denominated a conviction.

Section 18. WHEN CHILD MAY BE COMMITTED TO JAIL. Whenever a child is arrested for the violation of any law or ordinance, or is taken into custody under the terms and provisions of this act, and it shall appear to the court before which he is brought to be absolutely necessary to hold said child in custody until the time set for hearing of said cause in the juvenile court, said child may be placed in jail for safe keeping until the time of said hearing. If upon hearing the juvenile court deems it necessary for the best interests of the child, it may commit such child to the county jail for safe keeping, provided that in no case shall any child be confined in the same room with an adult prisoner. When any child coming under the provisions of this act, or any child under sixteen years of age, shall be committed to jail, it shall be the duty of the sheriff or other officer having charge of such jail to take all precautionary measures necessary to protect said child from improper influences and injurious associations. Provided that no child shall be committed to jail under any sentence of any judge except to hold pending a final disposition of his case. It being the spirit and intent of this law not to incarcerate children in jails under sentence, but merely for safe keeping where it becomes imperative pending a final disposition of their case.

Section 19. CLERKS. The judge of the juvenile court may appoint as clerk of the court any probation officer or a clerk of the probate court. The judge may also appoint as deputy clerk of the court any other probation officer or clerk of the probate court. Such clerk and deputies shall receive no additional remuneration for their services to the juvenile court.

Section 20. COUNTIES EXCEPTED. This act shall not apply or be operative in any county in the State in which there is or may hereafter be established by act of Legislature, a special juvenile court or other special court having jurisdiction over the classes of persons and for the purposes declared in this act.

Section 21. CONSTITUTIONALITY. This act being remedial in its nature and purposes shall be liberally construed in order to accomplish the beneficial purposes herein sought. Should any clause, paragraph, or section of this act be declared unconstitutional by any court of competent jurisdiction, such decision shall not affect the remainder thereof.

Section 22. All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Section 23. This Act shall take effect immediately upon being signed by the Governor.

Approved Sept. 18, 1923.



COUNTY BOARDS OF CHILD WELFARE  
**ALABAMA GENERAL LAWS**

REGULAR SESSION, 1923.

No. 369.)

(S. 407. Inzer.

AN ACT

To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board and superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

*Be it enacted by the Legislature of Alabama:*

Section 1. The judge of the juvenile court of any county having exclusive jurisdiction of dependent, neglected and delinquent children shall, whenever the court of county commissioners or board of revenue of the county shall by resolution declare that a county board of child welfare should be established in said county and shall designate one of its members to serve as a member of such county board of child welfare, and whenever, the county board of education shall by resolution declare that a county board of child welfare should be established in said county, appoint three citizens, two of whom shall be women, who together with the judge of the juvenile court, the chairman of the county board of education, the county superintendent of education, and the member designated by the court of county commissioners or board of revenue of the county, shall constitute the county board of child welfare. The term of the member of the county board of child welfare designated by the court of county commissioners or board of revenue of the county shall expire on January 1 of the next ensuing year. His successors shall be appointed by the court of county commissioners or board of revenue of the county, each to serve for a term of two years. The term of the members of the county board of child welfare appointed by the judge of the juvenile court shall be designated to expire as follows: one on January 1 of the next ensuing year; one on January 1 one year after the expiration of the term of the first year; and one on January 1 two years after the expiration of the term of the first. All their successors shall be appointed by the judge of the juvenile court for terms of two years each. Appointments to fill vacancies

shall be made for unexpired terms in the same manner as the member whose vacancy is to be filled was appointed. Members of the county board of child welfare shall serve without compensation for their services as members. Office space and supplies shall be provided for the county board of child welfare and its executive agent or agents and the expense of such provision shall be a valid charge against the county.

Section 2. The judge of the juvenile court shall be the chairman of the county board of child welfare. It shall be his duty: 1. To call the first meeting of the board at any place designated by him; 2. To transmit to the State Department of Education and the State Child Welfare Department the names and addresses of every appointed member of the board; 3. To call a meeting of the board not less than once every six months and at such other times as he may deem necessary, and to determine the place of every such meeting; provided, however, that any three members may, by giving ten days notice in writing to the other members, call a meeting and fix the place thereof; 4. To preside at all meetings of the board; provided that in case the judge is absent the board may select a temporary chairman.

Section 3. It shall be the duty of the county board of child welfare: 1. To advise with and to assist the State Child Welfare Department in its work in said county; 2. To make investigations and reports and perform such other duties as may be required by the State Child Welfare Department; 3. To co-operate with all educational and social agencies, public and private, in the county; 4. To co-operate with the county and the city board of education in the enforcement of the compulsory school attendance law, and in all other matters relating to the welfare of children; 5. To co-operate with the county board of health, and county health officers, in matters relating to the welfare of children; 6. To perform all duties hitherto assigned by law to advisory boards of juvenile courts having exclusive jurisdiction over children under sixteen years of age. Upon the establishment of a county board of child welfare in any county, the advisory board of the juvenile court, if heretofore established, as provided by law, shall be abolished; 7. To make rules and regulations not inconsistent with any of the provisions of this Act, or other law, for the conduct of its meetings, the discharge of its duties, the exercise of its powers, and for the direction of the work of the county superintendent of child welfare, and his assistants.

Section 4. The county board of child welfare shall have power: 1. To employ an executive agent to be known as the county superintendent of child welfare, who shall serve at the pleasure of the board and whose salary shall be fixed by said board by and with the consent of the county board of education



and the court of county commissioners, or board of revenue of the county, one-half of which shall be paid out of public school funds of the county and one-half out of the public funds of the county; or in such other proportion as may be agreed upon by the boards authorized to make payments by this Act; provided that the county board of child welfare, the court of county commissioners or board of revenue of a county, and the county board of education, shall be and are hereby authorized to accept from the governing body of any city, town or municipality in the county, or from any other source, funds to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants as herein provided, and the governing body of any city, town or municipality in the county and the board of education of any city, town or municipality in the county shall be and are hereby authorized to make appropriation for the purpose of aiding in the payment of the salaries and expenses of the county superintendent of child welfare and his assistants; and provided further that no person shall be employed as county superintendent of child welfare of any county or assistant thereto, unless he shall have been certified as a person having met the requirements for such officer as prescribed in the act establishing the State Child Welfare Department.

2. To employ an assistant or assistants to the county superintendent of child welfare when necessary, and to provide for the compensation of such assistant or assistants in the manner as herein provided in the case of county superintendents of child welfare.

Section 5. The county superintendent of child welfare shall have power and it shall be his duty: 1. Under the direction of the county or city board of education or both and the Department of Education, to perform all the duties imposed by law upon the school attendance officer and to enforce the compulsory education law; 2. To co-operate with the State Child Labor Inspector in the enforcement of all laws relating to the employment of children; 3. To serve as county probation officer when appointed by the judge of the probate court; 4. To co-operate with the State Child Welfare Department and all other agencies, public or private, having the care of, or giving relief to children, and to make such investigations into the conditions, life or surroundings of any child in the county as the State Child Welfare Department or the county child welfare board may direct; 5. To act as parole officer under the direction of superintendents of State institutions for any child paroled from such institution and living in said county; 6. To promote and aid in promoting wholesome recreation and other activities for the welfare of children; 7. To co-operate with the county board of health, its agents, officers and nurses, in all matters relating to the estab-

lishment and carrying out of public health program; 8. To report monthly in such form as may be determined by the State Child Welfare Department to the county board of child welfare and to the State Child Welfare Department; provided, that reports of school attendance work shall also be made as directed by the county or city board of education and the State Superintendent of Education; 9. To keep records of all cases handled and business transacted in such manner and form as may be prescribed by the State Child Welfare Department and to make report to the Child Welfare Department in such form and at such time as it may require; 10. Assistants of the county superintendents of Child Welfare shall have power and it shall be their duty to exercise any of the powers and discharge any of the duties prescribed for the county superintendent of child welfare.

Section 6. In any county in which a special court (other than a juvenile court) having exclusive jurisdiction over dependent, neglected, or delinquent children may have been established, a county board of child welfare may be established in such county in the same manner as provided in this Act, the judge of such special court having exclusive jurisdiction over dependent, neglected and delinquent minor children, taking the place of the judge of the juvenile court as herein set out. In counties in which there is a city in which a city board or department of public welfare or child welfare has been established, the county board of child welfare may arrange with such city board or department of public welfare or child welfare to consolidate and co-ordinate city and county child welfare work in such manner as may be agreeable to the county board of child welfare and the city board or department of public welfare or child welfare and with such division of expenses as may to both seem equitable; provided, that every such agreement shall be approved by the court of county commissioners or board of revenue of the county and by the county board of education.

Section 7. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 8. If any section of this Act shall be held unconstitutional, in whole or in part, the fact shall not affect any other section of this act, it being the intention of the Legislature in enacting this Act to enact each section separately.

Section 9. This Act shall take effect immediately upon its approval by the Governor.

Approved Sept. 26, 1923.



CHILD-PLACING

**ALABAMA GENERAL LAWS**

No. 543.)

(H. 313. Mrs. Wilkins.

AN ACT

REGULAR SESSION, 1923.

To regulate child-placing, and to provide for the licensing, visitation, supervision, inspection and regulation of agencies and institutions within the State of Alabama that are engaged in the business of receiving and caring for children or of placing them or boarding them in private homes.

*Be it enacted by the Legislature of Alabama:*

Section 1. That it shall be the duty of the State Child Welfare Department to pass annually on the fitness of every agency, public, semi-public or private, which engages in the business for gain or otherwise, of receiving and caring for children or placing or boarding them in private homes. Annually and at such times as the department shall direct, every such agency shall make a report, showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the department may require. When the department is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with, it shall issue to the agency a license which shall continue in force for one year unless sooner revoked by the department. No agency which does not hold such license shall receive a child for care or placing out, or place a child in another home or solicit money in behalf of such agency. All such agencies shall be subject to visitation and inspection by the county board of health, and visitation, inspection and supervision by the State Child Welfare Department. The word "agency" where used in this Act shall include individuals, partnerships, voluntary associations and corporations.

Section 2. That every agency permitted by law to receive, secure homes for, or otherwise care for children, shall keep a record containing names, ages, present and former residences of all children received; the names, former residences, occupations and character so far as known of the parents; the dates of reception, placing out or adoption, together with the names, occupations and residences of the person with whom the child is placed; the date and cause of cancellation of any contract, the date and

cause of any removal to another home; the date and cause of termination of custody, and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged according to law.

Section 3. That every such agency shall report at such time prescribed by the Child Welfare Commission to the State Child Welfare Department on forms supplied by it, giving the information contained in the record and such other information as the board may require.

Section 4. That the State Child Welfare Department may, within ninety days of the receipt of the notice of placement of any child, cause such child to be visited by one of its agents for the purpose of ascertaining whether the home is a suitable one for the child, and whether the child is contented. The department may continue to visit and supervise the care of such child as though the child were placed out by the department. Whenever satisfied that a child has been placed in an unsuitable home, or that the child continues to be discontented, the department may order its transfer by the agency which placed it, and if said order is not obeyed within thirty days or such shorter time as is named in the order, the department itself shall take charge of and provide for such child.

Section 5. That every agency placing a child in a home shall enter into a written agreement with the person taking the child, which agreement shall provide that the agency shall have access at all times to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the agency or in the opinion of the State Child Welfare Department, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted upon written permission of the agency making the placement if such agency holds a license from the State Child Welfare Department or held such a license at the time the placement was made.

Section 6. That no agency shall bring or send into the State any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the State Child Welfare Department. Such agency shall conform to the rules of the State Welfare Commission, and shall enter into a written agreement with the department: (a) to remove such child from the State when requested so to do by the said department, prior to the child's adoption or becoming of age; (b) that it will place the child under written contract approved by the department; (c) that the person with whom the child is placed shall be responsible for his proper care and training; (d) that the department shall have the same right of visitation and supervision of the child and the home in which it is placed as in



the case of a child placed out by the department. Before the child shall be brought or sent into the State for the purpose of placing him in a home, the agency so bringing or sending such child shall first notify the State Department of its intention and shall obtain from the State Department a certificate stating that such home is, in the opinion of the said department, a suitable home for the child. The agency bringing or sending the child into the state shall report once a year, or when the child is placed in another home, or at such times as the department may direct, as to the location and well-being of the child so long as he shall remain within the State and until he shall have reached the age of eighteen years or shall have been legally adopted.

Section 7. That no child shall be taken or sent out of the State for the purpose of placing him in a home, otherwise than by a parent or guardian, unless the agency so taking or sending him shall give the State Child Welfare Department notice of its intention and furnish such information as the department may require. Such agency shall place the child under written contract approved by the department that the person with whom the child is placed shall be responsible for his proper care and training, and thereafter shall report to the department once a year and at such other times as the department may direct, as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted.

Section 8. That the records herein provided for, or the facts learned about the children, their parents or relatives, or other persons having custody or control of them shall be held in strict confidence by the State Child Welfare Department, the Board of Health, and the agencies which may be caring for or co-operating in the care of such children; provided, that any person who has arrived at the age of majority and who knows or believes himself to have been placed out by an agency reporting to the department, shall have the right to demand and receive from the department such information as the department may have concerning his own parents or relatives.

Section 9. That no person other than the parents or relatives of the second degree may assume the permanent care, custody or control of a child under 16 years of age unless authorized so to do by an act or decree of the Court. Except in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care, custody and control of a child under 16 years of age, and any such transfer hereinafter made shall be void. Provided that nothing contained in this section shall operate to prevent the transfer of custody of children to the State Child Welfare Department or agencies or institutions holding license from the

State Child Welfare Department or to prevent the Child Welfare Department and such licensed agencies from placing such children under the rules and regulations of the State Child Welfare Commission.

Section 10. Every person, acting for himself or for an agency, and every officer, agent or employee of the State Child Welfare Department, who violates any of the provisions of this Act, or who shall intentionally make any false statements to the State Child Welfare Department shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment, at the discretion of the Court.

Section 11. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 12. This Act shall be liberally construed in order to accomplish the beneficent purposes herein provided for; and should any section or part thereof be held to be unconstitutional it shall not affect the remaining portion thereof. This Act shall take effect immediately upon being signed by the Governor.

Approved Oct. 1, 1923.

MATERNITY HOSPITALS  
**ALABAMA GENERAL LAWS**

REGULAR SESSION, 1923.

No. 560.)

(H. 314. Mrs. Wilkins.

AN ACT

To define maternity hospitals and to provide for the licensing, regulation and supervision of such hospitals.

*Be it enacted by the Legislature of Alabama:*

Section 1. That any person who receives for care or treatment during pregnancy or during delivery, or within ten days after delivery, more than one woman within a period of one year, except women related to such person by blood or marriage, shall be deemed to maintain a maternity hospital. The fact that such hospital receives other types of patients shall not operate to except it from the provisions of this Act. The word "person," where used in this Act shall include individuals, voluntary associations, corporations, partnerships, and municipal or county institutions.

Section 2. That the Child Welfare Department may grant a license for the conduct of any maternity hospital that is for the public good and is conducted by a respectable and responsible person and it shall be the duty of the Child Welfare Commission to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect purposes of this Act and all other laws of the State relating to children so far as the same are applicable, and to safe-guard the well-being of all infants born therein and the health, morality and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining from the State Child Welfare Department a license to conduct such maternity hospital. No such license shall be issued unless the medical staff of the hospital includes one or more resident nurses and one or more licensed physicians and the premises are in a fit sanitary condition. The license may be granted for a period not exceeding one year, and shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of women that may be treated or cared for therein at any one time. No greater number of women shall be kept at one time than is authorized by the license; and no woman shall be kept in a building or place not designated by the license without the consent of the State Child Welfare Department. A record of every license so issued shall be kept by the State Child Welfare Department,



which shall forthwith give notice to the State Board of Health, and to the board of health of the county in which the licensee resides, of the granting of such license and the term thereof. The State Child Welfare Department may revoke a license so issued when a provision of this Act is violated, or when, in the opinion of said department, such hospital is maintained without due regard to sanitation and hygiene, or to the health, comfort or well-being of the inmates or infants born to such inmates.

Section 3. That the State Child Welfare Department shall prescribe and furnish forms for the registration, records and reports of persons cared for in any such hospital.

Section 4. That every birth occurring in a maternity hospital shall be attended by a legally qualified physician or a competent nurse. The licensee conducting such hospital shall, within twenty-four hours after an admission of a patient or after a birth occurs therein, in addition to the report required to be filed with the State Registrar of Vital Statistics, make a written report thereof to the State Child Welfare Department and county board of health, giving the sex of the child, and such additional information, when obtainable, as the State department may require. The licensee shall immediately after the discharge from, or death in, such maternity hospital of a woman, or of an infant born therein, notify the board of health of the county in which such hospital is located.

Section 5. That the officers and agents of the State Child Welfare Department, and the board of health of the county in which a licensed hospital is located may visit and inspect such hospital at least once in every three months. Moreover, the State Board of Health, through its officers or agents, may also inspect every such hospital when deemed necessary by said board. The licensee shall give all such information to such inspectors and afford them every facility for viewing the premises and seeing the inmates. The said inspectors shall make report of conditions in said hospital, and such report shall be kept by the Child Welfare Department.

Section 6. That no maternity hospital shall engage in the business of child-placing, unless licensed for child placing by the Child Welfare Department. Any child born in any maternity hospital who is illegitimate and whose father is unknown and whose mother is unable to care for such child, or any child who for any reason will be left destitute of support, shall, through proper court proceedings, be committed to the Child Welfare Department, or to any agency licensed by said department to engage in the business of child-placing.

Section 7. That on a prosecution under the provisions of this Act, a defendant who relies for defense upon the relation-

ship of any woman or infant to himself shall have the burden of proof on that issue.

Section 8. That no officer, or agent, or employee of the State Child Welfare Department, the State Board of Health, or the board of health of the county where such licensed hospital is located, or any person who has held such position, shall directly or indirectly disclose the contents herein provided for, except upon inquiry before a court of justice, or by order of a court of justice, or upon a coroner's inquest, or for the information of the State Child Welfare Department, the State Board of Health, or the board of health of the county in which said hospital is located; provided, however, that nothing herein shall prohibit the State Child Welfare Department from disclosing such facts to persons having a proper interest in the child or children involved, if, in the judgment of said department, the interests of such child or children will be forwarded thereby.

Section 9. That the provisions of this Act shall not apply to hospitals except insofar as such provisions concern or apply to babies born out of wedlock, or the mothers of such babies receiving maternity care in such hospitals.

Section 10. That every person who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than one year, or by both such fine and imprisonment at the discretion of the court.

Section 11. That all laws or parts of laws in conflict with this Act shall be and the same are hereby repealed.

Section 12. That this Act shall be liberally construed in order to accomplish the beneficent purposes herein provided for; and should any section or part thereof be held to be unconstitutional it shall not affect the remaining portion thereof. This Act shall take effect immediately upon being signed by the Governor.

Approved Sept. 29, 1923.

THE ALABAMA HOME FOR MENTAL INFERIORS  
**ALABAMA GENERAL LAWS**

REGULAR SESSION, 1923.

No. 568.)

(S. 113. Foster.

AN ACT

To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State treasury," approved Sept. 29, 1919.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury. Be and hereby is amended so as to read as follows:

Section II. That there is hereby created and established upon or near the grounds of the Bryce Hospital, near Tuscaloosa, Alabama, a Home and School for mental deficient or inferiors as they may be hereinafter defined, and to be known as "The Alabama Home."

Section III. The home shall be managed and controlled by a Board of Managers, composed of the Governor, who shall be ex-officio a member, the seven trustees of the Alabama Insane Hospitals as now constituted, and three other persons, two of whom shall be women. Said three last named members shall be appointed or elected by the Board of Trustees of the Alabama Insane Hospitals, one for a period of one year, one for a period of two years and one for a period of three years from the date of their election or appointment; and upon the expiration of said terms of office, and all later terms, successors shall be elected or appointed by the Board of Managers of the home for periods of seven years, and until their successors are elected or appointed; all terms to end on the 31st day of December of the last year of each term.

Section IV. The Superintendent of the Alabama Insane Hospitals, by virtue of his office shall be Superintendent of the Home and with the assent and by the advice of the Board of Managers of The Home, shall appoint an assistant who shall have immediate charge of The Home. Such assistant shall be responsible for the management and control of The Home directly to the Superintendent, and may be removed at any time by the Superintendent for just cause, the same to be set forth in



writing and entered upon the minutes of the proceedings of the Board of Managers; The Board of Managers concurring therein, or he may be removed at any time by the Board of Managers, for just cause set forth in writing as provided next above. The term of office and the salary of the assistant, shall be fixed by the Board of Managers, upon the recommendation of the Superintendent. The assistant must be a graduate physician with experience and training in the specialty of psychiatry, a married man of high moral character and refinement.

Section V. The assistant, with the consent and approval of the Superintendent, shall manage and conduct all the affairs of The Home; appoint all officers and employees, including a matron, teacher and attendants; fix their salaries or wages; direct their services and dismiss them from the service of The Home with the advice and approval of the Superintendent.

Section VI. The Board of Managers shall prescribe rules and regulations for the government of The Home, the residents therein and the officers and employees thereof, and the assistant shall be responsible directly to the Superintendent, and to the Board of Managers for the faithful execution of all such rules and regulations as may be prescribed by the Managers.

Section VII. The following are declared to be mental inferiors or deficient, or feeble-minded: All persons of whatever age, who are deficient or inferior to the extent of being classed in either of the following groups of the feeble-minded: That is to say, idiots, imbeciles, feeble-minded or morons, and any of whom may be, or may not be epileptics, but not violent or insane. The terms "feeble-minded" and "mental inferior or deficient" within the meaning of this Act shall include every person with such a degree of mental defectiveness from birth, or from an early age that he is unable to care for himself and to manage his affairs with ordinary prudence, or that he is a menace to the happiness or safety of himself or of others in the community, and requires care, supervision, and control either for his own protection or for the protection of others. It is specifically recognized that the greatest danger which the feeble-minded constitute to the community lies in the frequency of the passing on of mental defect from one generation to another. Any person within the above named class, over the age of five years, and a resident of the State of Alabama for more than a year, may be committed to The Home.

Section VIII. Whenever any inmate of The Home shall become insane or violent or unmanageable the Superintendent shall make an order, in writing, a copy to be filed with The Home, and the original transmitted to the proper authorities of the Alabama Insane Hospitals, transferring such persons to the proper Insane Hospital, and such order shall be authority for

confining such person, so transferred, in the Insane Hospitals just as though such person had been properly committed to the Insane Hospitals in the first instance. So, also, any person confined in the Insane Hospitals found to be not insane but to be a mental inferior or deficient, as defined in this Act, may be transferred from the Alabama Insane Hospitals to The Home by a written order of the Superintendent, said order to accompany the patient to The Home; a copy of the same to be filed in the hospital from which the patient is transferred.

Section IX. The relative, guardian, or other person interested in an individual of the class herein defined as mental inferiors or deficient, or feeble-minded, desiring to commit such person to The Home may, if the person be under the age of twenty-one years, apply to the Judge of the Juvenile Court, or where no Juvenile Court exists, to the Probate Judge of the County of such person's residence, and if over the age of twenty-one years to the Probate Judge of the County of such person's residence, for the commitment of such person to the Alabama Home; and upon such application such Judge to whom the application is made shall at once apply to the Superintendent, with description on a form prescribed by the Board of Managers of The Home, and upon being advised by the Superintendent that such applicant can be received, if a proper person, such Judge shall examine three persons one of whom must be a practicing physician, who are acquainted with the person sought to be committed, and with the condition of such person, and such Judge if he is satisfied that the person is within the class herein defined as mental inferiors or deficient, or feeble-minded, and is otherwise eligible to admission into The Home, shall make an order on a form prescribed by the board, committing such person to The Home and arrange to have such person taken to The Home, at the expense of the County if necessary. The Judge of the Juvenile Court and the Judge of Probate to whom an application of commitment is made shall have full jurisdiction of the application and the person on whose behalf the application is made, and shall have the power and authority to commit such person to The Home notwithstanding the family or relatives may object thereto; and when he has made an order of commitment and no member of the family or friend or guardian will convey the person so committed to The Home his order of commitment shall be delivered to the Sheriff of the County who shall at once convey such person to The Home and deliver him (or her) to the authorities of The Home, and shall in all things obey said order of commitment.

Section X. At the same time that the Judge investigates the mental defectiveness of the person, he shall also examine witnesses under oath as to the financial standing of the mental



inferior and if the mental inferior has not sufficient means to pay for support in The Home for mental inferiors the Judge shall so state in the certificate and the expenses of the mental inferior shall be paid by the State in the manner provided by law. If however, it appear that the mental inferior has in his or her own name the means, or, if a minor, that the guardian or parents have the means, or if the relatives or friends agree to provide the means of support in The Home, the committing Judge shall state in the certificate that the mental inferior will be a paying patient and the Judge shall contract with responsible parties for the payment, monthly in advance, of the same amount per week as the State provides for indigent inmates, and to that effect the Judge shall cause a bond with sufficient surety to be made, which bond shall be approved by the Judge. One copy of the bond shall be filed in the office of the committing Judge and another sent with the inmate to the Superintendent of The Home and shall read substantially as follows: Know all men by these presents that we.....and.....of the County of.....in the State of Alabama are jointly held and bound unto the Board of Managers of the Alabama Home for Mental Inferiors in the penal sum of \$300.00 for the payment of which we hereunto bind ourselves jointly and severally. Sealed with our seals and dated this.....day of.....19..... The conditions of the above obligation are as follows: Whereas A. B. of the County of.....in the State of Alabama, is about to be admitted as a paying inmate into The Alabama Home for Mental Inferiors, at Tuscaloosa, Alabama, now if while he or she shall remain therein the undersigned shall constantly supply him or her with suitable clothing and pay all charges of said Home against said inmate monthly in advance; and whenever his or her removal be required, immediately remove the inmate; and if the inmate shall escape from The Home, pay all reasonable charges incurred in returning him or her; and if the inmate die therein, pay all reasonable expenses incurred for the funeral and in case of failure to perform promptly any of the above conditions, pay all expenses that accrue to The Home by litigation, collector's fees, or otherwise, then this obligation shall be void, otherwise it shall remain in full force. Witness our hands and seals this.....day of.....19..... (E. F.) (Seal) (G. G.) (Seal). I hereby certify that in my opinion the obligators in the above bond have executed the same in good faith and that the amount of the penalty specified therein, can be recovered from them by process of law. In witness I have hereto set my hand at.....this.....day of.....19..... (A. B.) Judge of.....Court of.....County, State of Ala-



bama. Pay inmates and indigent inmates shall receive the same care and attention, and no discrimination shall be made in the treatment of either class.

Section XI. The Judge of the Court having jurisdiction to admit inmates to The Home for Mental Inferiors in each County of the State, from time to time, at his own instance, and any time his attention may be called to it by the Superintendent of The Home for Mental Inferiors, or other person, shall investigate the financial standing of any indigent inmate in The Home from his County and if he shall find him or her able to pay for support in The Home, under penalty of the Superintendent's returning said inmate at the county's expense to his or her home, or friends, he shall contract with responsible parties under the forms specified in Section 10 hereof for the support of the inmate.

Section XII. The committing Judge shall be required to furnish such data relative to family and personal history of the person being committed as shall be prescribed by the Board of Managers in such form or forms as may be furnished him by The Home, and the Superintendent may decline to admit an applicant for whom the history has not been satisfactorily furnished along with the commitment paper. The history is necessary to secure for the patient and the community the best service of The Home. It is best furnished by the family physician or a near relative well acquainted with the facts in the case, but it shall be the duty of the committing Judge to have the history sent with the commitment paper and the patient.

Section XIII. The assistant with the advice and consent of the Superintendent shall prescribe for the treatment of the inmates of the home, and if after consultation with the Superintendent, they deem it advisable they are hereby authorized and empowered to sterilize any inmate.

Section XIV. If in the opinion of the Superintendent it is deemed proper to parole any inmate of The Home, the Superintendent may grant a parole to such inmates for any length of time deemed advisable and such parole may be revoked at any time by the Superintendent when, in his judgment, the condition of such inmate shall render such revocation advisable. No parole shall be issued to any inmate of The Home unless the Superintendent is satisfied that such inmate will be properly cared for in a family having means to do so and wherein such inmate will find a proper moral and congenial atmosphere. The Superintendent may require the person applying for a parole of an inmate to sign a written obligation with sureties to properly care for and support such inmate while on parole, and to return said inmate to The Home at his own expense in the event the parole is revoked. The Superintendent must not grant a

parole to any inmate unless he is of the opinion that it will not be detrimental to such inmate or to society, and the Superintendent must recall said parole whenever he is satisfied that the welfare of such paroled inmate, or of the community to which said inmate is paroled requires it. If in the opinion of the Superintendent any inmate of The Home is not a mental deficient or inferior as defined in this Act, he (or she) may be permanently discharged by the Superintendent.

Section XV. The building of The Home at Tuscaloosa, Alabama, shall be located by the Superintendent of the Alabama Insane Hospitals by and with the consent and approval of the Board of Managers, on the most eligible site on the land around the Bryce Hospital and as far away from the Hospital building as may be practicable. And the Board of Managers is hereby authorized and empowered to purchase in the name of the State of Alabama any additional land lying near the land of the Bryce Hospitals as may be found necessary for the proper location and conduct of The Home.

Section XVI. The Board of Managers of The Home shall constitute a building committee with power to employ a competent architect to prepare plans and specifications for the buildings necessary for The Home, and to call for bids for the erection of said buildings, to let the contract for such buildings or to employ a qualified contractor to superintend the erection and construction of such buildings under their supervision and control.

Section XVII. The buildings for The Home shall be located, built, and equipped so as to facilitate the proper classification of residents according to age, sex, color and grade of deficiency or inferiority; their employment and training in farming and gardening, mechanics or other useful industries or occupations and to make provisions for schools, church worship, amusement, and diversion that may be conducive to the health, happiness and moral and mental improvement of the inmates.

Section XVIII. The Board of Managers may designate any incorporated bank in Tuscaloosa, as the depository of its funds and may contract with such bank to perform all duties of Treasurer and to pay interest on the daily cash balance to the credit of The Home as the Board of Managers may determine; or the Board of Managers may elect a treasurer, fix the amount of his compensation, designate the amount of bond required of him, pay for its making and designate the bank in which the funds shall be deposited.

Section XIX. Pending the construction of The Home the meetings of the Board of Managers shall be held at the Bryce Hospital in Tuscaloosa and as many meetings may be held as is found necessary. After The Home has been constructed and



occupied, the meetings of the Board of Managers shall be held at The Home as often as may be found necessary but the board shall always meet on the day that the trustees of the Alabama Insane Hospitals meet.

Section XX. The members of the Board of Managers shall be allowed no compensation for their time and service in attending meetings, but shall be reimbursed from the funds of The Home for all necessary expenses incurred in attending the meetings for which The Home must file receipt in each instance as a voucher.

Section XX $\frac{1}{2}$ . The Steward of the Alabama Bryce Insane Hospital shall be the Steward of The Alabama Home with all the powers and duties in reference to The Home as he has to the Hospital.

Section XXI. All laws and parts of laws in conflict with the provisions of this Act shall be and they are hereby repealed.

Section XXII. If any part or section of this Act should be declared unconstitutional such declaration shall invalidate no other parts or sections of this Act.

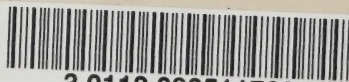
Section XXIII. This Act shall become effective on and after its passage.

Approved Sept. 29, 1923.

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